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Via facsimile to (718) 613-2546 and ECF

The Honorable Nicholas G. Garaufis
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Peter DeFilippo
Criminal Docket No. 09-672 (NGG)

Dear Judge Garaufis:

Peter DeFilippo is scheduled to be sentenced by the Court on Friday, July 22, 2011. I am respectfully submitting this letter, in response to the government's sentencing letter filed yesterday, July 19, 2011. In its letter the government states, under heading "D. The need for the Sentence Imposed", why it believes that Peter DeFilippo must be incarcerated:

"Given the defendant's association with Bonanno family and in particular, his conduct in using Loiacono and Sclafani to threaten and extort John Doe, a sentence of incarceration is appropriate."

Peter DeFilippo does not have and has never had, any position, rank, or status in the "Bonanno family" or any other alleged criminal enterprise.

This case is Peter DeFilippo's first contact with the criminal justice system. Other than the charge that he pled guilty to in this case, he has never been involved in any type of criminal activity "associated" with organized crime. Peter DeFilippo has never; borrowed or lent money illegally; engaged in any type of illegal gambling; engaged in any type of bid rigging and has never participated in any extortion related activities. Peter DeFilippo has never earned his living from schemes and thievery and he does not hang around with or associate with reputed mobsters.

Exactly what conduct of Peter DeFilippo constitutes his “using Loiacono and Sclafani to threaten and extort John Doe”?

The government proffers snippets of six recordings claiming that they “clearly and irrefutably” implicate Peter DeFilippo in an extortion plot. **From the many hours of government recordings, there is not a single indication that Peter DeFilippo actually asked anyone to collect money from Salvatore Sciorta.** Each of the conversations cited was between CW#1/Salvatore Volpe, an admitted mobster and government informant, and co-defendants Loiacono and Sclafani. **Peter DeFilippo was not a participant in, or even present during, any of the referenced recordings.**

Salvatore Volpe was betraying his old masters and working for his new ones when the “consensual recordings” were being made. Is it cynical to suggest that Mr. Volpe may have sometimes managed the flow of information to Loiacono and Sclafani to make the recorded conversations more productive or useful? Is the “evidence” generated by “Sal the plumber” so credible and conclusive that it compels this Court to incarcerate Peter DeFilippo?

Finally, Peter DeFilippo never gave anyone Salvatore Sciorta’s home address. He did not know it and did not need to know it. Salvatore Sciorta was brought to the Newark jobsite, and introduced to Peter DeFilippo, by Salvatore Volpe. The only address that Mr. DeFilippo had for Mr. Sciorta **was the openly published and publicly available business address for his company.** Peter DeFilippo only used that address to mail checks to Mr. Sciorta – for work that his company had been performed on the Newark, New Jersey jobsite.

Your Honor, please consider this letter and the previously submitted memorandum when determining whether or not Peter DeFilippo’s crime warrants a sentence that includes incarceration. He has never hurt, harmed or threatened anyone – and he never will.

Respectfully yours,

Michael L. Galeno

cc: Government Counsel
Via ECF